

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RAMIRO CAMACHO, JR.,

Case No.: 2:22-cv-00860-APG-DJA

Plaintiff

Order

V.

NEVADA GOVERNOR SISOLAK:

Defendant

Plaintiff Ramiro Camacho, Jr. brings this civil-rights action under 42 U.S.C. § 1983 to
s constitutional violations that he claims he suffered while incarcerated at High Desert
Prison. ECF No. 1-1. On June 3, 2022, the magistrate judge ordered Camacho to file a
complaint and file a fully complete application to proceed *in forma pauperis* or pay the full \$402
filing fee on or before August 1, 2022. ECF No. 4. The magistrate judge warned Camacho that
his complaint could be dismissed if he failed to file a complaint and file a fully complete application
to proceed *in forma pauperis* with all three documents or pay the full \$402 filing fee for a civil
action by that deadline. *Id.* at 2-3. That deadline expired and Camacho did not file a complaint,
fully complete application to proceed *in forma pauperis*, pay the full \$402 filing fee, or
otherwise respond.

I. Discussion

District courts have the inherent power to control their dockets and “[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal” of a case.

22 *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may
23 dismiss an action based on a party's failure to obey a court order or comply with local rules. See
Carey v. King, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (affirming dismissal for failure to comply

1 with local rule requiring *pro se* plaintiffs to keep court apprised of address); *Malone v. U.S.*
 2 *Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court
 3 order). In determining whether to dismiss an action on one of these grounds, I must consider: (1)
 4 the public's interest in expeditious resolution of litigation; (2) the court's need to manage its
 5 docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of
 6 cases on their merits; and (5) the availability of less drastic alternatives. *See In re*
 7 *Phenylpropanolamine Prod. Liab. Litig.*, 460 F.3d 1217, 1226 (9th Cir. 2006) (quoting *Malone*
 8 *v. U.S. Postal Serv.*, 833 F.2d 128, 130 (9th Cir. 1987)).

9 The first two factors, the public's interest in expeditiously resolving this litigation and the
 10 court's interest in managing its docket, weigh in favor of dismissal of Camacho's claims. The
 11 third factor, risk of prejudice to defendants, also weighs in favor of dismissal because a
 12 presumption of injury arises from the occurrence of unreasonable delay in filing a pleading
 13 ordered by the court or prosecuting an action. *See Anderson v. Air West*, 542 F.2d 522, 524 (9th
 14 Cir. 1976). The fourth factor—the public policy favoring disposition of cases on their merits—is
 15 greatly outweighed by the factors favoring dismissal.

16 The fifth factor requires me to consider whether less drastic alternatives can be used to
 17 correct the party's failure that brought about the court's need to consider dismissal. *See Yourish*
 18 *v. Cal. Amplifier*, 191 F.3d 983, 992 (9th Cir. 1999) (explaining that considering less drastic
 19 alternatives *before* the party has disobeyed a court order does not satisfy this factor); *accord*
 20 *Pagtalanun v. Galaza*, 291 F.3d 639, 643 & n.4 (9th Cir. 2002) (explaining that “the persuasive
 21 force of” earlier Ninth Circuit cases that “implicitly accepted pursuit of less drastic alternatives
 22 prior to disobedience of the court’s order as satisfying this element[,]” *i.e.*, like the “initial
 23 granting of leave to amend coupled with the warning of dismissal for failure to comply[,]” have

1 been “eroded” by *Yourish*). Courts “need not exhaust every sanction short of dismissal before
2 finally dismissing a case, but must explore possible and meaningful alternatives.” *Henderson v.*
3 *Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986). Because this action cannot realistically proceed
4 until and unless Camacho files a complaint and either files a fully complete application to
5 proceed *in forma pauperis* or pays the \$402 filing fee for a civil action, the only alternative is to
6 enter a second order setting another deadline. But the reality of repeating an ignored order is that
7 it often only delays the inevitable and squanders the court’s finite resources. The circumstances
8 here do not indicate that this case will be an exception: there is no hint that Camacho needs
9 additional time or evidence that he did not receive the court’s order. Setting another deadline is
10 not a meaningful alternative given these circumstances. So the fifth factor favors dismissal.

11 **II. Conclusion**

12 Having thoroughly considered these dismissal factors, I find that they weigh in favor of
13 dismissal. It is therefore ordered that this action is dismissed without prejudice based on
14 Camacho’s failure to file a complaint and file a fully complete application to proceed *in forma*
15 *pauperis* or pay the full \$402 filing fee in compliance with the magistrate judge’s June 3, 2022,
16 order. The Clerk of Court is directed to enter judgment accordingly and close this case. No other
17 documents may be filed in this now-closed case. If Camacho wishes to pursue his claims, he
18 must file a complaint in a new case.

19 Dated: August 15, 2022



20 U.S. District Judge

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